



HOUSE OF REPRESENTATIVES

H. No. 9397

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**AN ACT**

**UPHOLDING THE PEOPLE'S CONSTITUTIONAL RIGHT TO ACCESS  
INFORMATION AND PROMOTING FULL PUBLIC DISCLOSURE OF ALL  
GOVERNMENT TRANSACTIONS INVOLVING PUBLIC INTEREST**

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

**CHAPTER I**

**GENERAL PROVISIONS**

**SECTION 1. Short Title.** – This Act shall be known as the “Right to Information (RTI) Act of 2026”.

**SEC. 2. Declaration of Policy.** – Public office is a public trust. Public officers and employees shall at all times be accountable to the people. Sovereignty resides in the people and all government authority emanates from them.

Consistent with Article 19 of the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, the State upholds the right to freedom of opinion and expression, including the freedom to seek, receive, and impart information through any media. This right may be limited only by law when necessary to respect the rights or reputations of others or to protect national security, public order, public health, or morality.

Further, pursuant to Article III, Section 7 and Article II, Section 28 of the Constitution, the State recognizes and affirms the right of the people to information on matters of public concern and adopts a policy of full public disclosure of all transactions involving public interest, subject to the procedures and limitations provided by this Act.

1 As a democratic country, it shall be the declared policy of the State to promote  
2 transparency, increased meaningful participation of the people in government  
3 decision-making, and public accountability. It also recognizes the vital role of  
4 communication and the free flow of information in nation-building.

5 Further, the State acknowledges the growing role of emerging technologies,  
6 including artificial intelligence (AI), in information access, processing, and  
7 dissemination. In harnessing these tools, the State shall ensure their ethical,  
8 transparent, and accountable use to prevent misuse, safeguard the integrity of public  
9 information, and uphold the rights and welfare of the people.

10 In pursuit of these objectives, the State likewise upholds and protects the  
11 fundamental human right to privacy, recognizing it as a necessary safeguard against  
12 unwarranted disclosure of personal and sensitive personal information. The State shall  
13 endeavor to strike a fair and lawful balance between the free flow of information and  
14 the right to privacy, in order to foster innovation, growth, and the public good.

15 **SEC. 3. Coverage.** – This Act shall apply to all government offices, including  
16 the executive, legislative, judicial; constitutional offices; independent and oversight  
17 bodies created by the Constitution, by law, or by executive order; local government  
18 units (LGUs); state universities and colleges; government-owned or -controlled  
19 corporations whether chartered or non-chartered, and other government  
20 instrumentalities, including bodies owned or controlled by any branch or agency of  
21 government, subject to limitations imposed by existing laws.

22 It shall also encompass government operations, and inter-agency and intra-  
23 agency communications involving the sharing and processing of data and information  
24 for the purposes of policy-making, planning, and decision-making.

25 It shall further apply to any natural or juridical person, including any public  
26 service contractor, concessionaire, grantee, supplier, or entity transacting with the  
27 government, to the extent that such person or entity: (a) performs a public function; (b)  
28 exercises delegated governmental authority; (c) receives or uses public funds, to the  
29 extent of such funding; or (d) holds records necessary to account for, audit, or evaluate  
30 any public transaction or public function.

31 Records relating to a public function or public transaction shall remain subject  
32 to access under this Act, regardless of whether such records are in the custody of a  
33 government agency or instrumentality, or a private person or entity.

## 34 35 **CHAPTER II** 36 **DEFINITION OF TERMS** 37

38 **SEC. 4. Definition of Terms.** – As used in this Act:

39 (a) *Access to information* refers to access to official records, documents, and  
40 papers pertaining to official acts, transactions, or decisions, as well as to  
41 government research data used as basis for policy development, which shall  
42 be afforded, subject to the limitations as may be provided by this Act;  
43

44 (b) *Final record* refers to a record that embodies a final decision, policy, action,  
45 contract, report, or disposition, including the factual basis, data, and  
46 attachments relied upon;

- 1 (c) *Information* refers to any records, documents, papers, reports, letters,  
2 contracts, minutes and transcripts of official meetings, maps, books,  
3 photographs, data, research materials, films, sound and video recordings,  
4 magnetic or other tapes, electronic data, computer-stored data, or any other  
5 like or similar data or materials recorded, stored or archived in whatever format,  
6 whether offline or online which are made, received or kept in or under the  
7 control and custody of any government office pursuant to law, executive order,  
8 rules and regulations, ordinance or in connection with the performance or  
9 transaction of official business by any government agency or instrumentality;  
10
- 11 (d) *Labor* refers to workers from the public or private sectors, formal or informal  
12 economy, including migrant workers;  
13
- 14 (e) *Machine-readable format* refers to formats that allow data to be extracted and  
15 processed by computer programs;  
16
- 17 (f) *Official record* refers to information produced or received by a public officer or  
18 employee, or by a government agency or instrumentality in an official capacity  
19 or pursuant to a public function or duty;  
20
- 21 (g) *Online RTI portal* refers to the official centralized electronic platform  
22 designated by the Commission created under Section 5 of this Act which  
23 provides access to government information, enables the tracking of requests,  
24 and receives information requests online. This mode promotes demand-driven  
25 transparency and accountability as it is also designed to assist government  
26 offices in receiving, processing, and responding to the requests that they  
27 receive online;  
28
- 29 (h) *Open format* refers to file format that is platform independent, machine  
30 readable, and made available to the public;  
31
- 32 (i) *Personal information* refers to any information whether recorded in a material  
33 form or not, from which the identity of an individual is apparent or can be  
34 reasonably and directly ascertained by the entity holding the information, or  
35 when put together with other information would directly and certainly identify  
36 an individual, as defined under Republic Act (RA) No. 10173 or the "Data  
37 Privacy Act of 2012";  
38
- 39 (j) *Public interest override* refers to the rule that access to information shall be  
40 granted when the public interest in disclosure outweighs the harm sought to  
41 be prevented by an applicable exception;  
42
- 43 (k) *Public official* refers to elective and appointive officials and employees,  
44 permanent or temporary, whether in the career or non-career service, including  
45 military and police personnel, whether or not they receive compensation,  
46 regardless of amount;  
47
- 48 (l) *Public record* refers to information required by laws, executive orders, rules, or  
49 regulations to be entered, kept and made publicly available by a government  
50 agency or instrumentality;

- 1 (m) *Public service contractor* refers to a private entity that has a dealing, contract,  
2 or transaction of whatever nature with the government or a government agency  
3 or instrumentality that utilizes public funds;  
4
- 5 (n) *Record* refers to any information, data, document, material, communication,  
6 database, dataset, metadata, annex, attachment, audit trail, or other  
7 information-containing medium, regardless of form or format, whether physical  
8 or electronic, and regardless of where stored;  
9
- 10 (o) *Records management* refers to the managerial activities involved with respect  
11 to the creation, maintenance and use, transmission, retention, and disposition  
12 of records in order to achieve adequate and proper documentation of policies  
13 and transactions of government for its efficient, effective and economical  
14 operations;  
15
- 16 (p) *Request* may refer to any of the following:
- 17 (i) *Simple request* refers to a request submitted by a requesting party to a  
18 government agency or instrumentality that involve providing readily  
19 available information or records, including those already published on its  
20 website or maintained in its records management system, and which  
21 require minimal review or processing;
- 22 (ii) *Complex request* refers to a request submitted by a requesting party to a  
23 government agency or instrumentality that involve the retrieval, review, or  
24 extraction of existing records or data from a single office or source,  
25 including those requiring the identification and compilation of existing  
26 information from voluminous records: *Provided*, That such requests shall  
27 not be construed as requiring the creation of new documents, lists,  
28 abstracts, summaries, analyses, or reports that do not already exist in the  
29 records of the agency or instrumentality; or
- 30 (iii) *Highly technical request* refers to a request submitted by a requesting party  
31 to a government agency or instrumentality that involve the retrieval, review,  
32 or extraction of existing records or data from multiple offices or sources,  
33 large volumes of documents, or records covering multiple years, and which  
34 may require specialized technical skills for purposes of format conversion,  
35 data extraction, or reproduction: *Provided*, That the government agency or  
36 instrumentality shall not be required to create, develop, analyze, interpret,  
37 or collate information or data into new reports, findings, lists, abstracts, or  
38 summaries that do not already exist or are not available in its records  
39 management system. For purposes of this paragraph, "specialized  
40 technical skills" shall refer solely to the processing, extraction, conversion,  
41 or reproduction of existing records, and shall not be construed to require  
42 the preparation of new research, conclusions, or analytical findings.  
43
- 44 (q) *Segregability* refers to the duty to disclose reasonably segregable non-exempt  
45 portions of a record and to redact only those portions that are exempt, with  
46 written justification;  
47
- 48 (r) *Sensitive personal information* refers to the definition under the Data Privacy  
49 Act of 2012 of personal information that are:

- 1 (i) about an individual's race, ethnic origin, marital status, age, color and  
2 religious, philosophical or political affiliations;  
3 (ii) about an individual's health, education, genetic or sexual life of a person or  
4 to any proceeding for any offense committed or alleged to have been  
5 committed by such person, the disposal of such proceedings, or the  
6 sentence of any court in such proceedings;  
7 (iii) issued by government agencies peculiar to an individual which includes,  
8 but not limited to, social security numbers previous or current health  
9 records, licenses or its denials, suspension or revocation and tax returns;  
10 and  
11 (iv) specifically established by an executive order or an act of Congress to be  
12 kept classified.  
13  
14 (s) *Transactions involving public interest* refer to any government act, decision, or  
15 activity that uses public authority, funds, property, or natural resources, or  
16 grants rights, privileges, concessions, or benefits to private parties.  
17

### 18 CHAPTER III 19 RIGHT TO INFORMATION COMMISSION 20

21 **SEC. 5. *Right to Information (RTI) Commission.*** – There is hereby created  
22 an independent and quasi-judicial body to be known as the “Right to Information (RTI)  
23 Commission”, hereinafter referred to as the Commission.

24 The Commission is administratively attached to the Office of the President  
25 solely for administrative coordination and budgetary interface, and not for supervision  
26 or control over the Commission’s powers and functions under this Act. In the exercise  
27 of its policymaking, adjudicatory, enforcement, monitoring, and rule-making functions  
28 under this Act, it shall be free from any supervision, direction, control, or interference  
29 by any department, agency, instrumentality, or office of the government, including any  
30 of its officials or employees.

31 The Commission shall implement this Act and its Implementing Rules and  
32 Regulations (IRR), provide technical guidance on matters concerning public  
33 information, set operational standards for its disclosure, and settle disputes through  
34 adjudication or mediation.

35 **SEC. 6. *Composition of the Commission.*** – The Commission shall be  
36 composed of a Chairperson and two (2) Commissioners, who shall have the rank,  
37 salary, emoluments, and privileges equivalent to a Cabinet Secretary and  
38 Undersecretary, respectively.

39 The Chairperson and the Commissioners shall be appointed by the President  
40 from a shortlist of nominees submitted by the independent Selection Committee  
41 established under the succeeding section.

42 **SEC. 7. *Independent Selection Committee.*** – There is hereby created an  
43 Independent Selection Committee, which shall be responsible for screening applicants  
44 and submitting to the President a shortlist of qualified nominees for appointment as  
45 Chairperson and Commissioners of the Commission.

1 The Selection Committee shall conduct a merit-based, transparent, and  
2 participatory process to ensure competence, integrity, independence, and  
3 multisectoral representation.

4  
5 The Selection Committee shall be appointed by the President, and shall be  
6 composed of:

- 7 (a) A Chairperson, who shall be a retired judge or a recognized expert in  
8 governance and public administration;  
9 (b) One (1) representative from the Office of the President;  
10 (c) Three (3) representatives, with recognized expertise in transparency,  
11 governance, human rights, or public administration, from any of the following  
12 sectors: civil society organizations, the academe, the legal profession, or the  
13 media; and  
14 (d) One (1) independent, non voting observer from a professional or sectoral  
15 organization.

16  
17 The Selection Committee shall adopt and publish its internal rules and  
18 procedures, ensure transparency of its proceedings, and safeguard the independence  
19 of the process from partisan or undue political influence.

20 The Selection Committee shall be constituted and convened within fifteen (15)  
21 working days from notice of an impending or actual vacancy in the Commission. Its  
22 members shall serve only for the duration of the selection cycle for which they are  
23 constituted, commencing upon constitution and ending upon submission of the  
24 shortlist to the President: *Provided*, That such service shall not exceed one hundred  
25 twenty (120) calendar days, unless extended for justifiable reasons.

26 Upon submission of the shortlist, the Selection Committee shall be deemed  
27 dissolved, without prejudice to its reconstitution for subsequent vacancies.

28 **SEC. 8. Term of Office.** – The term of office of the Chairperson and  
29 Commissioners shall be seven (7) years without reappointment. Of those first  
30 appointed, the Chairperson shall hold office for seven (7) years, the first Commissioner  
31 for five (5) years, and the second Commissioner for three (3) years. The Chairperson  
32 and the Commissioners shall enjoy security of tenure and shall not be suspended or  
33 removed from office except for just cause and after due process as provided by law.

34 **SEC. 9. Vacancies.** – Any vacancy in the Commission created by the death,  
35 resignation, or removal of any Commissioner shall be temporarily filled by the  
36 Executive Director, and the next in rank, should there be any other vacancies, who  
37 shall act as Commissioner and perform all powers, duties, and responsibilities of the  
38 position until a new Commissioner is appointed by the President to serve the  
39 unexpired portion of the term. Any vacancy shall be filled within sixty (60) calendar  
40 days.

1           **SEC. 10. Qualifications.** – The Chairperson and Commissioners shall be  
2 Filipino citizens, and of good moral character, unquestionable integrity and known  
3 probity. They shall have at least ten (10) years of relevant experience with proven  
4 knowledge and eminence in any of the fields of law, governance, public  
5 administration, human rights, social development, journalism, information and  
6 communications technology (ICT), data science, statistics, management, or media  
7 and communication. The appointees may come from the following sectors:  
8 government, business, academe, labor, rural, or urban poor, or members of  
9 concerned civil society organizations, non-government organizations, or people's  
10 organizations.

11           **SEC. 11. Prohibitions, Disqualifications, and Removal.** – During their  
12 tenure, the Chairperson and Commissioners shall not hold any other public or private  
13 office or employment, directly or indirectly practice any profession except in a teaching  
14 capacity, participate in any business, or be financially interested in any contract with,  
15 or any franchise, or special privileges granted by the government or any subdivision,  
16 agency, or instrumentality thereof, including government-owned and -controlled  
17 corporations or their subsidiaries. They shall strictly avoid conflict of interest in the  
18 conduct of their office. For two (2) years following their cessation from office, they shall  
19 not be allowed to personally appear or practice as counsel or agent on any matter  
20 pending before the Commission. They shall not be qualified to run for any office in the  
21 election immediately succeeding their cessation from office: *Provided*, That the  
22 election mentioned hereof is not a barangay election.

23           The Chairperson or any Commissioner may be removed from office for cause  
24 and only after due process. A verified complaint may be filed with either the Office of  
25 the President or the Office of the Ombudsman, and once filed, the receiving body shall  
26 have exclusive jurisdiction over the proceeding. Complaints may be filed *motu proprio*  
27 or by (a) any member of the Commission itself; (b) any party who has appeared before  
28 the Commission in an adjudicatory proceeding; or (c) any government agency or  
29 instrumentality directly affected by a Commission order.

30           Grounds for removal are strictly limited to the following: serious misconduct,  
31 gross neglect of duty, grave abuse of authority, gross incompetence, conviction of a  
32 crime involving moral turpitude, or any act substantially undermining the integrity,  
33 independence, or credibility of the Commission, and shall be construed narrowly in  
34 light of its quasi-judicial character. In no case shall removal be grounded solely on  
35 disagreement with any decision, ruling, or order of the Commission in the exercise of  
36 its adjudicatory, enforcement, or quasi-judicial functions.

37           No removal shall take effect without a formal order of the President or the  
38 Ombudsman issued upon a finding of cause.

39           **SEC. 12. Executive Director.** – The Commission shall appoint, by majority  
40 vote of its members, an Executive Director who shall serve as the chief administrative  
41 officer of the Commission.

42           The Executive Director shall occupy a permanent *plantilla* position and shall be  
43 appointed by the Commission in accordance with civil service laws and regulations.  
44 The Executive Director shall enjoy security of tenure and may be removed only for  
45 cause and after due process of law.

1 The Executive Director shall be a Filipino citizen and shall have at least ten  
2 (10) years of relevant professional experience in any of the following fields: law,  
3 governance, public administration, human rights, social development, journalism, ICT,  
4 data science, statistics, management, or media and communication.

5 The Executive Director shall be responsible for the day-to-day administration  
6 and management of the Commission and shall exercise such functions as may be  
7 delegated by the Commission, subject to its supervision and control.

8 The Executive Director shall:

- 9 (a) Implement the policies, resolutions, and directives of the Commission;
- 10 (b) Supervise and manage the administrative, financial, and operational affairs of  
11 the Commission;
- 12 (c) Oversee human resource management, budgeting, procurement, and records  
13 administration, subject to applicable laws and regulations;
- 14 (d) Ensure the proper processing of requests, appeals, and complaints filed before  
15 the Commission;
- 16 (e) Provide technical and administrative support to the Commission in the exercise  
17 of its quasi-judicial and regulatory functions; and
- 18 (f) Perform such other administrative functions as may be assigned by the  
19 Commission.

20  
21 **SEC. 13. Organizational Structure and Staffing Pattern of the**  
22 **Commission.** – The Commission shall determine its organizational structure and  
23 staffing pattern subject to the evaluation and approval of the Department of Budget  
24 and Management (DBM), in accordance with the civil service and other pertinent laws,  
25 rules, and regulations.

26 **SEC. 14. Functions and Duties of the Commission.** – The Commission shall  
27 have all the powers, direct or incidental, as necessary to undertake its functions under  
28 this Act, including but not limited to the following:

- 29 (a) Oversee the implementation of all RTI and online RTI programs for all the  
30 branches of the Philippine Government and monitor compliance therewith;
- 31 (b) Monitor compliance of government agencies and instrumentalities covered in  
32 Section 3 including the proper application of the exceptions under Section 32  
33 of this Act;
- 34 (c) Issue policies, orders, and guidelines in the implementation of this Act;
- 35 (d) Develop and implement capacity-building, institutional strengthening, and  
36 public education programs to promote awareness of the constitutional right to  
37 information and ensure compliance by public officers and employees, including  
38 Right to Information Officers and Right to Information Decision Makers;
- 39 (e) Coordinate and participate with local and international civil society  
40 organizations or any non-government institutions in any initiatives relative to the  
41 implementation and enforcement of this Act;

- 1 (f) Enter into any agreement with any public or private entities or organizations  
2 relative to the implementation of this Act;
- 3 (g) Prescribe the schedule of fees which must be reasonable based on the principle  
4 of proactive disclosure, in regard to providing information;
- 5 (h) Provide assistance on matters relating to the implementation of this Act upon  
6 request by any of the covered agencies pursuant to Section 3;
- 7 (i) Act as the official representative of the Philippine government in right to  
8 information matters;
- 9 (j) Provide guidelines, consistent with national ICT policies and standards, to  
10 promote the digitization and use of open format of records and information held  
11 by government agencies and instrumentalities, and bodies covered by this Act;  
12 and
- 13 (k) All other functions and duties necessary and incidental for the enforcement and  
14 implementation of this Act.  
15

16 Pursuant to the functions of the Commission, it shall ensure that public officers  
17 and employees are adequately trained to improve awareness of the Constitutional  
18 right on access to information and the provisions of this Act.  
19

20 **SEC. 15. Powers of the Commission.** – For the purpose of performing its  
21 functions and duties as provided in the preceding section, the Commission shall have  
22 the power to:

- 23 (a) Issue *subpoenas ad testificandum* and *subpoenas duces tecum* to compel the  
24 attendance of witnesses and the production of documents, records, or other  
25 evidence necessary for the exercise of its functions under this Act. *Subpoena*  
26 powers shall be exercised in accordance with the Rules of Court. In case of  
27 refusal or failure to comply with a duly issued *subpoena*, the Commission may  
28 seek enforcement thereof before the proper court;
- 29 (b) Inspect any information held by a government agency or instrumentality,  
30 including information denied by it under the provisions of this Act: *Provided,*  
31 That the information which is claimed to be exempted from disclosure shall be  
32 examined in confidence;
- 33 (c) Direct a government agency or instrumentality to provide access to requested  
34 information in a specific format, such as electronic, printed, or certified copy,  
35 when such format is necessary to facilitate access and is reasonably  
36 practicable under the circumstances;
- 37 (d) Direct a government agency or instrumentality to publish any information  
38 withheld by the said agency or instrumentality from the public, subject to the  
39 provisions of Chapter VII hereof;
- 40 (e) Expeditiously hear and determine any appeals made to it by any aggrieved  
41 person;
- 42 (f) Direct a government agency or instrumentality to reimburse fees charged when  
43 there has been a delay on the transaction;

- 1 (g) Investigate, hear and decide on cases involving any violation of this Act and  
2 other existing right to information laws *motu proprio* or upon receipt of a verified  
3 complaint from an interested party, and institute the appropriate administrative  
4 or criminal proceedings;
- 5 (h) Impose sanctions, fines or penalties for any noncompliance with or breach of  
6 this Act, and cite any person for contempt who obstructs, impedes, or interferes  
7 with Commission proceedings, hearings, or investigations, in accordance with  
8 law. The procedure for enforcing contempt shall be detailed in the IRR;
- 9 (i) Require any entity, government agency or instrumentality to abide by its orders  
10 or take action on a matter affecting the right to information;
- 11 (j) Request the assistance of any government enforcement agency or seek the  
12 cooperation of private institutions, corporations, entities, or associations as may  
13 be necessary to effectively carry out its powers and functions under this Act.
- 14 (k) Recommend to the Department of Justice (DOJ) the initiation of prosecutorial  
15 action against any person found to have violated the provisions enumerated  
16 under Section 34 of this Act;
- 17 (l) Coordinate with other government agencies and instrumentalities, civil society,  
18 and the private sector on efforts to formulate and implement plans and policies  
19 to strengthen the right to information in the country;
- 20 (m) Appoint, discipline, and manage its officers and employees in accordance with  
21 Section 12; and
- 22 (n) Exercise all other powers determined to be necessary for the implementation  
23 and enforcement of this Act.  
24

25 **SEC. 16. Limited Immunity.** – The Chairperson, Commissioners, officers,  
26 employees, and agents of the Commission shall not be held civilly liable for acts done  
27 or omitted in good faith and within the scope of their official duties and authority under  
28 this Act.

29 Nothing in this Section shall be construed to exempt any person from criminal,  
30 administrative, or other liability for acts committed in bad faith, with gross negligence,  
31 with manifest partiality, or in violation of the Constitution or existing laws.

32 This provision shall not limit or affect the authority of the President or the  
33 Ombudsman to remove the Chairperson or any Commissioner for just cause and after  
34 due process as provided in Section 11 of this Act.

35 **SEC. 17. Indemnification.** – Subject to the availability of funds in accordance  
36 with existing laws, the Commission may indemnify the Chairperson, Commissioners,  
37 officers, employees, and agents for reasonable legal expenses and civil liabilities  
38 incurred in connection with actions arising from the lawful performance of their official  
39 duties under this Act.

40 No indemnification shall be granted for acts committed in bad faith, with gross  
41 negligence, with manifest partiality, or in violation of the Constitution or existing laws.

42 Indemnification under this Section shall not extend to criminal penalties, fines,  
43 or liabilities imposed by final judgment.



- 1 (d) If the request is submitted personally, the requesting party shall show any  
2 current identification card issued by any government agency, government or  
3 private employer or school, or a barangay certificate for purposes of identity  
4 verification only. Alternatively, the requester may submit a sworn declaration or  
5 other reasonable means of identity verification, as provided in the IRR.
- 6 (e) If the request is submitted by mail or through electronic means, the requesting  
7 party may submit a photostatic or electronically scanned copy of verifiable  
8 identification, or other convenient means as determined by the agency:  
9 *Provided*, That the government agency or instrumentality shall, by reasonable  
10 means, prevent the disclosure to the public of the government-issued  
11 identification card of any requesting party.
- 12 (f) The RIO, upon receiving the request, shall provide reasonable assistance, free  
13 of charge, to enable all requesting parties, and particularly those with special  
14 needs, to comply with the requirements for a valid request under this section.
- 15 (g) The request shall be stamped by the RIO, indicating the date and time of  
16 receipt, and the name, rank, title and position of the RIO with the corresponding  
17 signature, and a copy thereof furnished to the requesting party. In case the  
18 request is submitted by electronic means, the RIO shall provide for an  
19 equivalent means by which the requirements of this paragraph shall be met.  
20 Each government agency or instrumentality shall establish a system to track  
21 the status of all requests for information received by it.
- 22 (h) The request may indicate the requesting party's preferred mode and means of  
23 receiving the information requested: *Provided*, That the mode and means are  
24 reasonable, taking into consideration the distance, and the equipment normally  
25 available to the concerned government agency or instrumentality.
- 26 (i) In cases where the request for information requires further details to conclude  
27 resolution, the RIO shall notify the requesting party and initiate a clarification  
28 process, and the processing period will be suspended. Upon receipt of the  
29 clarification, the remaining time period will resume. If no clarification is received  
30 from the requesting party after sixty (60) calendar days, the request shall be  
31 deemed "closed", and no further action will be required on the part of the  
32 agency: *Provided*, That such closure shall be without prejudice to the filing of a  
33 new request covering the same information.

34 The concerned government agency or instrumentality may communicate the  
35 information requested in a form other than the preferred means whenever the agency  
36 has no capability in communicating the information in the preferred format, or such  
37 preferred means would unreasonably interfere with the effective operation of the  
38 agency or be detrimental to the preservation of the record.

39 When a government agency or instrumentality receives a request for  
40 information that it does not hold but knows or believes is held by, or is more closely  
41 related to the functions of, another government agency or instrumentality, it shall  
42 promptly refer the request to the appropriate agency or instrumentality and notify the  
43 requesting party. The receiving agency or instrumentality shall process the request in  
44 accordance with this Act as if it were an original request.

45 **SEC. 21. *Timeline and Fees.*** – The government agency or instrumentality,  
46 through its RIO, shall respond to the request as soon as practicable, and in any case  
47 within three (3) working days for simple requests, seven (7) working days for complex  
48 requests, and twenty (20) working days for highly technical requests from receipt  
49 thereof. The response mentioned above refers to the decision of the agency or  
50 instrumentality concerned to grant or deny access to the information requested.

1 For requests involving an imminent threat to life, liberty, public safety, public  
2 health, or the environment, the government agency or instrumentality shall give due  
3 priority and respond as promptly as circumstances allow, and, where feasible, within  
4 forty-eight (48) hours, subject to lawful redactions.

5 Government agencies and instrumentalities covered under this Act shall not  
6 charge any fees for filing or processing a request for information. Fees may only be  
7 imposed to the extent necessary to defray costs incurred for reproducing and sending  
8 the information requested based on the schedule to be provided by the Commission.

9 The Commission shall prescribe in the IRR the applicable fees in connection  
10 with the effective implementation of this Act.

11 **SEC. 22. RTI Manual.** – All covered agencies and instrumentalities shall  
12 prepare and adopt their respective RTI Manuals within one hundred eighty (180) days  
13 from the issuance of the guidelines by the Commission. The guidelines shall prescribe  
14 the content and format of the Manual, which shall include provisions on applicable  
15 fees, the designation and contact information of RIOs and RDMs, procedure for the  
16 processing, referral, and transferring of information requests, list of exempted  
17 information or records from disclosure pursuant to this Act, internal review  
18 mechanism, and all other pertinent procedures for the efficient and effective access  
19 to information.

20 The agencies shall not, in preparing their RTI Manual, create or expand the list  
21 of exceptions beyond those provided under this Act.

22 **SEC. 23. Submission of RTI Annual Reports by Government Agencies**  
23 **and Instrumentalities.** – All government agencies and instrumentalities shall submit  
24 annual reports to the Commission detailing the information requests received,  
25 processed, and denied, including any appeals within thirty (30) days after the end of  
26 the calendar year. For denied requests, the specific provisions of this Act that have  
27 been invoked to justify non-disclosure shall also be indicated in the reports.

28 **SEC. 24. Online RTI Portal.** – The existing electronic Freedom of Information  
29 (eFOI) Portal ([www.foi.gov.ph](http://www.foi.gov.ph)) managed by the Freedom of Information–Program  
30 Management Office (FOI-PMO) under the Presidential Communications Office (PCO)  
31 shall be transferred to the Commission and shall be renamed as the “Online RTI  
32 Portal”.

33 To improve the efficiency and responsiveness of the Online RTI Portal, the  
34 Commission may integrate AI features to automate and streamline core processes.  
35 These enhancements aim to reduce processing time, increase accuracy, and facilitate  
36 timely and consistent responses.

37 The Online RTI Portal must apply sufficient information security and data  
38 privacy controls in compliance with the Data Privacy Act of 2012 and other existing  
39 laws and relevant regulations. The portal shall also provide information in an open  
40 standards format as defined by the Philippine eGovernment Interoperability  
41 Framework or PGIF.

42 **SEC. 25. Proactive Publication.** – All government agencies and  
43 instrumentalities shall have the duty to proactively disclose data and information within  
44 their respective office premises and through their official websites, subject to  
45 exceptions under Section 32 hereof. The information to be disclosed shall include, but  
46 not be limited to, the following:

- 1 (a) The mandate and functions, vision, mission, and core values of the agency or  
2 instrumentality;
- 3 (b) The programs and projects of the agency or instrumentality, including the  
4 names and addresses of third-party contractors;
- 5 (c) The powers and duties of officials, along with their position and office contact  
6 information;
- 7 (d) The norms set by the agency or instrumentality for the discharge of its functions;
- 8 (e) The procedure followed in the decision-making process, including channels of  
9 supervision and accountability;
- 10 (f) The current and updated service standards or guidance used by the agency or  
11 instrumentality, and its officials and employees in relation to its dealings with  
12 the public, including the rules, instructions, manuals and records, held by it or  
13 under its control or used by its employees for discharging its functions or the  
14 Citizen's Charter;
- 15 (g) Statistical data of its accomplishments;
- 16 (h) The budget allocated to each of its agencies, including the particulars of all  
17 plans, proposed expenditures and reports on disbursement made in open and  
18 machine-readable format;
- 19 (i) Annual Procurement Plan of each agency or instrumentality;
- 20 (j) Subsidy and assistance programs of the government including but not limited  
21 to health care, community development, or women and children care. The  
22 manner of the execution of these programs, the amounts allocated and  
23 beneficiaries;
- 24 (k) Particulars of concessions, permits, or authorizations granted by it;
- 25 (l) The names, designation, contact details of responsible public officers, including  
26 RIOs and RDMs, and appellate authorities;
- 27 (m) Current news, and updated events conducted by agencies and  
28 instrumentalities;
- 29 (n) Number of FOI or RTI requests received per year;
- 30 (o) Number of classified documents per year;
- 31 (p) All transactions involving public interest, including but not limited to the  
32 negotiation, award, or implementation of contracts, concessions, franchises,  
33 loans, guarantees, subsidies, public-private partnerships, and infrastructure  
34 projects, shall be disclosed, including project costs, contractors, and  
35 implementation status. The duty to disclose arises once the government has  
36 reached a definite position or decision, or when the transaction is ready for  
37 official action or public commitment;
- 38 (q) Bilateral and multilateral arrangements and agreements; and
- 39 (r) Environmental, climate, disaster risk reduction, and public safety information of  
40 significant public concern, including hazard maps, environmental compliance  
41 documents, monitoring data, advisories, and datasets necessary for public  
42 preparedness and accountability, shall be disclosed in open and machine-  
43 readable formats where practicable.

1 The Commission may expand, but not diminish, the categories of information  
2 subject to proactive disclosure. To this end, it shall consult relevant government  
3 agencies and instrumentalities, and stakeholders to determine additional categories  
4 of information for publication.

5 To ensure consistency in the identification and publication of proactively  
6 disclosed information, all government agencies and instrumentalities covered under  
7 Section 3 shall adopt, maintain, and periodically review a Proactive Disclosure Plan  
8 that sets out the list, categories of information, including datasets, that are routinely  
9 requested and published through the mechanisms provided under this Act. Such Plan  
10 shall be lodged with and monitored by the Commission and posted on the Online RTI  
11 Portal. The specific contents, timelines, and procedures for preparing, reviewing, and  
12 updating these Plans shall be prescribed in the IRR.

13 Government agencies and instrumentalities shall ensure that proactively  
14 disclosed information is made accessible through appropriate and effective means,  
15 including official websites, bulletin boards, e-Bulletin Boards, and other suitable  
16 communication platforms, so as to reach affected and underserved communities.

17 The Commission shall publish an annual report summarizing implementation  
18 efforts under this Act, including an overview of the receipt, processing, and compliance  
19 of requests across all government agencies and instrumentalities.

20  
21 **SEC. 26. Disclosure of Statements of Assets, Liabilities, and Net Worth**  
22 **(SALNs).** – Subject to existing laws, rules, and regulations, the SALNs of public  
23 officials and employees shall be made accessible to the public in accordance with this  
24 Act: *Provided*, That the following information shall be redacted from any SALN copy  
25 released to a requesting party:

- 26 (a) The complete home address of the declarant;  
27 (b) The names, dates of birth, and ages of any unmarried children below eighteen  
28 (18) years of age living in the declarant's household;  
29 (c) The signatures of the declarant and co-declarant, if any; and  
30 (d) The government-issued identification numbers of the declarant and co-  
31 declarant.

32 **SEC. 27. Ensuring Data Quality and Institutional Accountability.** – To  
33 uphold the right of access to accurate and reliable information, all government  
34 agencies and instrumentalities covered under this Act shall ensure the quality,  
35 integrity, and timeliness of the information they generate, maintain, and disclose.  
36 Government agencies and instrumentalities shall take reasonable steps to ensure that  
37 information is accurate, complete, up to date, and maintained in a manner that  
38 preserves its authenticity and reliability, with inaccuracies promptly corrected or  
39 annotated upon discovery or verified request. Government agencies and  
40 instrumentalities shall designate responsible officers or units to maintain data quality,  
41 implement internal verification procedures prior to disclosure, respond to public  
42 concerns regarding data accuracy within the period prescribed in the IRR, and provide  
43 formal feedback mechanisms on their data portals, including features for requesting  
44 datasets, reporting errors or inconsistencies, and submitting comments on data  
45 quality.

1 A public log of substantive changes or updates to disclosed information shall  
2 be maintained to promote transparency and traceability.

3 The Commission, *motu proprio*, or any person adversely affected by inaccurate  
4 information disclosed by a public agency, may request correction or file a formal  
5 complaint with the concerned agency, which shall act within the timeframe prescribed  
6 in the IRR.

7 A request for correction shall not suspend or delay access to information that  
8 is otherwise disclosable. Where corrections are made, government agencies and  
9 instrumentalities shall, where practicable, preserve the historical record through  
10 annotated or versioned updates indicating the nature and date of the change.

## 11 CHAPTER V 12 INTERNAL REVIEW AND APPEAL 13

14 **SEC. 28. Notice of Denial.** – If the government agency or instrumentality  
15 decides to deny the request, in whole or in part, it shall, as soon as practicable, and in  
16 any case within the prescribed applicable period from the receipt of the request, notify  
17 the person making the request of such denial in writing or through electronic means.  
18 The notice shall clearly set forth the ground or grounds for denial, including the  
19 applicable exception under this Act and the circumstances or factual basis on which  
20 the denial is based, indicate whether partial disclosure was considered, and indicate  
21 available rights of reconsideration or appeal.

22 The notice shall indicate the name, rank, title or position, and office of the  
23 person making the denial. Government agencies and instrumentalities shall issue an  
24 acknowledgment or official receipt of every request for access to information within  
25 three (3) working days from submission. The acknowledgment shall indicate whether  
26 the request is granted, denied, or requires an extension.

27 **SEC. 29. Remedies in Cases of Denial of Request for Information.** – All  
28 government agencies and instrumentalities shall establish an internal review  
29 mechanism to review and monitor every denial of a request for access to information.

30 All denial of requests shall be reviewed by the internal review mechanism of the  
31 agency or instrumentality, following a written request submitted in writing or electronic  
32 means, within fifteen (15) calendar days from the receipt of the notice of denial.

33 The request to review shall be decided by the internal review mechanism of the  
34 agency or instrumentality within twenty (20) working days from the filing of the said  
35 written request. The decision shall indicate the name, rank, title, or position of the  
36 person making the decision, clearly set forth the ground or grounds and the  
37 circumstances on which the grant or denial of decision is based.

38 Failure of the government agency or instrumentality to act and decide on the  
39 request within the period stated in the preceding paragraphs shall constitute a denial  
40 thereof and is deemed to be final: *Provided*, That in case the requesting party fails to  
41 file a request to review within the period provided herein, the denial of the request shall  
42 be deemed final: *Provided, further*, That in case the requesting party is not satisfied  
43 with the decision of the internal review mechanism of the concerned agency or  
44 instrumentality, said party may file an appeal to the Commission within fifteen (15)  
45 calendar days from receipt of the decision or from the lapse of the period to decide.  
46 The appeal shall be decided within twenty (20) working days from the filing of the  
47 appeal. Failure to decide within the prescribed period is deemed a denial of the appeal.

1 The Commission shall establish its internal rules of procedures on cases filed  
2 before it to ensure the prompt, impartial, and effective resolution of disputes under this  
3 Act. The rules shall include procedures for urgent requests and guidance on requests  
4 involving bodies whose appeals may be limited by constitutional provisions.

5 **SEC. 30. *Dispute Resolution.*** – Upon appeal by a requesting party, the  
6 Commission shall resolve all disputes arising under this Act in the exercise of its quasi-  
7 judicial authority and in accordance with its Rules of Procedure, using expeditious and  
8 non-technical procedures.

9 The Commission may, where appropriate, facilitate voluntary mediation or  
10 conciliation to narrow issues and expedite disclosure. Orders directing disclosure shall  
11 be immediately executory unless restrained by the proper court upon a clear showing  
12 of specific and demonstrable harm.

13 An aggrieved party may, after final action by the Commission or upon the lapse  
14 of applicable periods, seek recourse before the proper courts in accordance with the  
15 Rules of Court.

16  
17 **CHAPTER VI**  
18 **DATA PRIVACY**  
19

20 **SEC. 31. *Harmonization with the National Privacy Commission (NPC).*** – In  
21 implementing this Act, government agencies and instrumentalities shall protect  
22 personal data in accordance with the Data Privacy Act of 2012 and issuances of the  
23 NPC, and shall comply with applicable information security standards.

24 Privacy shall constitute a legitimate but limited exception to disclosure and shall  
25 be applied subject to the harm, necessity, and proportionality standards under this Act.  
26 Public officials and employees shall have a reduced expectation of privacy with  
27 respect to information relating to their official functions, duties, and use of public  
28 resources; the same shall apply to private persons or entities insofar as their activities  
29 involve public funds or matters of legitimate public concern.

30 The Commission and the NPC shall coordinate and issue joint guidelines  
31 governing requests involving personal or sensitive information, including standards on  
32 redaction, anonymization, aggregation, and conflict resolution, and may establish  
33 liaison mechanisms between RTI and Data Privacy Officers. They shall jointly  
34 undertake training and compliance measures and may recommend appropriate  
35 administrative action for noncompliance.

36 **CHAPTER VII**  
37 **INVENTORY OF EXCEPTIONS**  
38

39 **SEC. 32. *Exceptions.*** – Access to information shall be granted unless:  
40

- 41 (a) The information is specifically authorized to be kept confidential under  
42 guidelines established by an executive order or Presidential issuance, and in  
43 fact properly classified pursuant thereto: *Provided, That*
- 44 (i) the information directly relates to national security or defense and its  
45 revelation may cause damage to the national security or internal and  
46 external defense of the State; or

1 (ii) the information requested pertains to the foreign affairs of the Republic of  
2 the Philippines when its revelation shall unduly weaken the negotiating  
3 position of the government in an ongoing bilateral or multilateral negotiation,  
4 or seriously jeopardize the diplomatic relations of the Philippines with any  
5 State, or prejudice the entrusting of information to the Republic of the  
6 Philippines on a basis of confidence by the government of any other country  
7 or any international organization: *Provided*, That sufficient information is  
8 disclosed to afford reasonable public participation in government decision-  
9 making on bilateral and multilateral agreements: *Provided, further*, That the  
10 head of the department or agency having custody or possession of such  
11 information, shall keep under continuing review all classified information in  
12 his custody and may direct the declassification review of such review as  
13 needed. Declassification of information shall be subject to the approval of  
14 the President: *Provided, further*, That any information on the assistance  
15 provided to overseas Filipinos may be declassified upon approval of the  
16 President: *Provided, finally*, That unpublished diplomatic correspondence  
17 during active international negotiations, foreign diplomats, and other  
18 information relating to foreign diplomats, and other information relating to  
19 foreign affairs may be declassified by the President only upon  
20 recommendation of the Secretary of Foreign Affairs.

21 (b) The information discloses investigatory records compiled for law enforcement  
22 purposes or information which are contained in such records, but only to the  
23 extent that the production of such records or information will:

- 24 (i) reasonably be expected to interfere with enforcement proceedings;  
25 (ii) deprive a person of the right to a fair trial or an impartial adjudication;  
26 (iii) reasonably be expected to constitute an unwarranted invasion of privacy;  
27 (iv) the information is furnished by or came from a confidential source and in  
28 the case of a record compiled by a law enforcement authority in the course  
29 of a criminal investigation, or civil forfeiture proceeding, including its related  
30 remedial measures, or by an agency conducting a lawful national security  
31 intelligence, money laundering and terrorism financing investigation,  
32 confidential information is furnished only by the confidential source;  
33 (v) unjustifiably disclose investigative or prosecutorial techniques and  
34 procedures; or  
35 (vi) reasonably be expected to endanger the life or physical safety of any  
36 individual: *Provided*, That convictions by final judgment rendered by judicial  
37 or quasi-judicial bodies, and other similar records, shall be disclosable.  
38 This exception shall not be invoked to deny access to information, records, or  
39 documents requested by government agencies or instrumentalities with a  
40 specific constitutional or statutory mandate to conduct investigations, such as  
41 the Commission on Human Rights, the Commission on Audit, and the Office of  
42 the Ombudsman. The release of such information to these agencies or  
43 instrumentalities shall be governed by their respective mandates.

44 (c) The information pertains to a testimony, report, document, or discussion  
45 obtained during an executive session of the Congress of the Philippines or any  
46 of its committees;

- 1 (d) The information is classified as privileged communications in legal proceedings  
2 by law or by the Rules of Court, including non-disclosable information as  
3 recognized under The Rule on Access to Information about the Supreme Court,  
4 Court of Appeals Freedom of Information Manual, Rule on Access to  
5 Information about the Sandiganbayan, The Rule on Access to Information  
6 about the Lower Courts, and other pertinent issuances of the Supreme Court  
7 on the matter, unless the person entitled to the privilege has waived it;
- 8 (e) The information pertains to drafts of Commission on Audit (COA) decisions,  
9 audit working papers and other audit materials, and other information as may  
10 be limited under COA Circular No. 2013-006 dated September 18, 2013, as  
11 may be amended;
- 12 (f) The information consists of internal recommendations, options, draft regulatory  
13 measures, advisory opinions, deliberations, or other pre-decisional and  
14 deliberative materials generated within or among agencies prior to the adoption  
15 of a definite proposition, position, decision, or issuance, including market-  
16 sensitive regulatory actions, the premature disclosure of which would cause  
17 specific, demonstrable, and substantial harm to the public interest, including but  
18 not limited to:
- 19 (i) undermining the integrity of governmental decision-making;
  - 20 (ii) materially discouraging free and frank internal discussion among officials  
21 and employees;
  - 22 (iii) distorting financial, currency, securities, or commodity markets;
  - 23 (iv) facilitating fraud, manipulation, or speculative advantage; or
  - 24 (v) materially impairing the effectiveness of a lawful regulatory, supervisory, or  
25 enforcement action.
- 26

27 This exception shall apply only to the extent and for the period strictly necessary  
28 to prevent such specific, demonstrable, and substantial harm.

29

30 Purely factual, statistical, technical, scientific, or analytical information,  
31 including background studies, data sets, and objective findings necessary to  
32 enable meaningful public participation, shall not be withheld under this  
33 paragraph unless such information is inextricably intertwined with deliberative  
34 matter and its disclosure would likewise result in the harm herein contemplated.

35 Where public consultation or participation is required by the Constitution or by  
36 law, the agency or instrumentality concerned shall, at an appropriate stage of  
37 the decision-making process, disclose summaries of the issues, objectives, and  
38 options under consideration, together with their relevant factual bases,  
39 sufficient to permit informed public engagement.

40 Information withheld pursuant to this paragraph shall be disclosed upon the  
41 adoption of a definite proposition, position, decision, or regulatory issuance:  
42 *Provided*, That continued withholding may be justified only to the extent that  
43 disclosure would still result in specific, demonstrable, and substantial harm  
44 consistent with this Act, and subject in all cases to the principles of severability  
45 and public interest override.

- 1 (g) The information pertains to trade secrets, commercial or financial information,  
2 or intellectual property obtained from a natural or juridical person other than the  
3 requesting party, and the revelation thereof will seriously prejudice the interests  
4 of such natural or juridical person in trade, industrial, financial, or commercial  
5 competition;
- 6 (h) The information pertains to the personal information of a natural person,  
7 whether from the public or the private sector, and its disclosure constitutes an  
8 unwarranted invasion of personal privacy, unless such information is  
9 specifically required by law to be entered into an official record and made  
10 available to the public, or the person has consented in writing to the disclosure  
11 of the information. To the extent required to prevent an unwarranted invasion  
12 of personal privacy, an agency or instrumentality may redact such information  
13 from a record made available to the public. The justification for the redaction  
14 shall be explained fully in writing, and the extent of such redaction shall be  
15 indicated on the portion of the record which is made available or published; and
- 16 (i) The information is exempted from disclosure by the Constitution or by law.  
17

18 The determination of whether any of these grounds apply shall be the  
19 responsibility of the head of office of the government agency or instrumentality in  
20 custody or control of the information, or any responsible central or field officer duly  
21 designated by the head of office: *Provided*, That with regard to collegial bodies,  
22 boards, commissions, or other courts, the Chairperson or presiding officer or member  
23 is deemed the head of office for purposes of this provision.

24 The government agency or instrumentality shall not be required to act upon a  
25 subsequent request from the same requesting party for information that is identical or  
26 substantially similar to information previously requested and provided, unless a  
27 reasonable interval has elapsed between compliance with the prior request and the  
28 filing of the new request, or unless the requesting party demonstrates a legitimate  
29 need for an updated, corrected, or more complete version of the information.

### 30 **SEC. 33. Presumption of Access and Rules on Construction. –**

- 31 (a) **Presumption of Access.** There shall be a legal presumption in favor of access  
32 to information, and the exceptions under this Act shall be strictly and narrowly  
33 construed.
- 34 (b) **Burden of Proof and Harm Requirement.** In invoking an exception, the  
35 government agency or instrumentality, or official shall identify the specific legal  
36 basis relied upon and shall bear the burden of proving that the information falls  
37 within the exception and that disclosure would cause identifiable, specific, and  
38 demonstrable harm.
- 39 (c) **Consistency with this Act and the Constitution.** All statutory provisions,  
40 executive issuances, rules, regulations, and confidentiality clauses invoked to  
41 restrict access to information shall be interpreted and applied consistently with  
42 this Act and the Constitution, and shall not be used to defeat access unless the  
43 restriction clearly falls within an exception recognized under this Act.
- 44 (d) **Segregability.** If a record contains both exempt and non-exempt information,  
45 the non-exempt portions shall be disclosed after the exempt portions have been  
46 reasonably redacted or separated.
- 47 (e) **Public Interest Override.** Even where an exception applies, the requesting party  
48 may invoke an overriding public interest in disclosure. The agency or  
49 instrumentality concerned, and the Commission on review, shall evaluate such  
50 claim based on the totality of the facts and circumstances.

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**CHAPTER VIII**  
**PENALTIES**

**SEC. 34. Criminal Liability.** – Any public officer or private person who knowingly and maliciously:

- (a) Conceals or falsely denies the existence of information subject to disclosure under this Act;
- (b) Willfully destroys, alters, or falsifies public records for the purpose of preventing disclosure; or
- (c) Willfully refuses to comply with a final and executory order for disclosure issued pursuant to this Act, shall upon conviction, suffer the penalty of imprisonment of not less than six (6) months but not more than two (2) years, or a fine not exceeding Two hundred thousand pesos (₱200,000.00), or both, at the discretion of the court, without prejudice to penalties under other applicable laws.

Criminal liability shall attach only upon clear showing of deliberate and malicious intent to obstruct, conceal, destroy, or falsify information in violation of this Act. Acts performed in good faith or in the legitimate exercise of discretion under recognized exceptions shall not give rise to criminal liability.

The Commission shall refer findings indicating possible criminal violations to the Office of the Ombudsman, in the case of public officers or employees, or to the DOJ, in the case of private persons, for appropriate investigation and prosecution.

Any violation committed by judges and Court personnel shall be subject to disciplinary action under Rule 140 of the Rules of Court, as amended, and other applicable rules, circulars, and issuances promulgated by the Supreme Court.

**SEC. 35. Administrative Offenses.** – Public officials and employees covered under this Act are duty-bound to facilitate access to information in accordance with its provisions. The following acts, when willfully or knowingly committed, may constitute grounds for administrative liability under existing civil service laws and regulations:

- (a) Unjustified delay in responding to a request for information or appeal, or in complying with any final and executory decision or order issued pursuant to this Act;
- (b) Knowingly invoking or applying an exception under Section 32 of this Act without factual or legal basis; or
- (c) Approving or enforcing policies, rules, or procedures that are clearly and manifestly inconsistent with this Act and that result in denial, delay, or obstruction of access to information.

The Commission may investigate complaints *motu proprio* or upon verified complaint and shall refer its findings to the appropriate disciplinary authority, including the CSC or the Office of the Ombudsman, as may be proper, without prejudice to their respective constitutional and statutory jurisdiction.

**SEC. 36. Administrative Liability.** – Any violation of the preceding section shall be subject to penalties, after due notice and hearing, in accordance with civil service laws, rules, and other applicable regulations.

1 Nothing in this section shall preclude the filing of appropriate administrative  
2 cases for offenses not classified as grave under the preceding section, in accordance  
3 with applicable laws and regulations.

4 Any violation of the preceding section committed by judges and Court personnel  
5 shall be subject to disciplinary action under Rule 140 of the Rules of Court, as  
6 amended, and other applicable rules, circulars, and issuances promulgated by the  
7 Supreme Court.

8 **SEC. 37. Whistleblower Protection.** – No person or witness shall be subjected  
9 to legal, administrative, civil or employment-related sanctions for disclosing  
10 information in good faith that reveals:

- 11 (a) Wrongdoing, including the commission of a criminal offense, failure to comply  
12 with a legal obligation, miscarriage of justice, corruption, dishonesty, or serious  
13 maladministration or misconduct by a public official; or  
14 (b) A serious threat to public health, safety, the environment, or any matter of public  
15 interest.

16 *Provided,* That the witness acted in good faith and had reasonable grounds to  
17 believe that the information disclosed was substantially true; and the disclosure was  
18 necessary to expose wrongdoing or prevent a serious threat.

19 *Provided, further,* That the witness shall be entitled to the protection and  
20 benefits as prescribed under Section 8 of R.A. No. 6981 or the “Witness Protection,  
21 Security and Benefit Act of 1991”. If after due process, it was found that the disclosure  
22 has been made maliciously, with knowledge of its falsity, or in reckless disregard of  
23 the truth, the witness shall be held liable under Section 34 of this Act and Sections 29  
24 or 32 of the Data Privacy Act of 2012.  
25

## 26 **CHAPTER IX** 27 **RECORDS MANAGEMENT AND CAPACITY BUILDING** 28

29 **SEC. 38. Records Management, Capacity Building, and the RTI Code of**  
30 **Best Practice.** – All government agencies and instrumentalities shall systematically  
31 record and maintain records of all acts done in official capacity to facilitate the public’s  
32 right to information as provided in this Act. Government agencies and instrumentalities  
33 must identify and preserve official records that hold continuing historical,  
34 administrative, legal, evidentiary, informational, or research value, in coordination with  
35 the National Archives of the Philippines.

36 Every government agency or instrumentality shall provide adequate training for  
37 officials, employees, and stakeholders to raise awareness of the public’s right to  
38 information, improve compliance with this Act, and stay updated on best practices in  
39 information access, disclosure, records management, and archiving.

40 The Commission, with assistance from the Department of Information and  
41 Communications Technology (DICT), shall monitor government websites and provide  
42 support through capacity-building programs, knowledge management initiatives, in  
43 collaboration with other relevant agencies and volunteer groups to ensure compliance  
44 with this Act. Government agencies and instrumentalities shall utilize the Records and  
45 Knowledge Management Information System developed by DICT in implementing  
46 their records management programs.

1 Furthermore, the Commission shall continuously develop and update its  
2 information technology systems to enhance accessibility and usability of government  
3 information.

4 The Commission shall also issue an RTI Code of Best Practice within sixty (60)  
5 working days from the establishment of the Commission, which may be revised  
6 annually to compile the best practices in implementing this Act.

7 **SEC. 39. Institutionalization of RTI, Media and Information Literacy, and**  
8 **Good Governance in the Basic and Higher Education Curriculum.** – To promote  
9 transparency, civic engagement, and the responsible use of information, the right of  
10 access to information, media and information literacy, and the principles of good  
11 governance shall be progressively and appropriately integrated into the curriculum  
12 across all subject areas.

13 The Department of Education (DepEd) shall adopt a “Spiral Governance and  
14 Media Advocacy” framework that integrates RTI and Media and Information Literacy  
15 not as a standalone subject, but as a core competency across all key stages.

16 The Commission, in coordination with the DepEd, the Commission on Higher  
17 Education, and the Technical Education and Skills Development Authority, and the  
18 CSC shall develop and formulate a strategic and phased implementation plan  
19 including the development of inclusive and context-sensitive learning modules,  
20 teaching programs, and capacity-building initiatives tailored to the specific needs and  
21 capabilities of educational institutions.

22 The integration of these topics shall be feasible, scalable, and sensitive to the  
23 existing workload of educators and learners, while remaining consistent with the  
24 objectives of this Act.

25 **SEC. 40. System of Incentives and Rewards.** – A system of special  
26 incentives and rewards is hereby established to be given to appropriate government  
27 agencies or instrumentalities that initiated and displayed compliance and full  
28 participation in the meaningful implementation of this Act and promotes good  
29 governance practices. The incentives and rewards may include, but not be limited to,  
30 social projects, grants-in aid, national recognition, and similar entitlements. Criteria for  
31 incentives shall be objective, transparent, performance-based, and aligned with  
32 existing public sector performance management systems.  
33

## 34 **CHAPTER X**

### 35 **TRANSITORY PROVISIONS**

36

37 **SEC. 41. Implementing Authority.** – The FOI-PMO created under PCO  
38 Department Order No. 018, s. 2017, Memorandum Order No. 10, s. 2016 and  
39 Executive Order No. 02, s. 2016, shall undertake the implementation of the provisions  
40 of this Act and implement the necessary organizational changes within the transition  
41 period, or until a Chairperson has been appointed and has assumed office.

42 **SEC. 42. Effectivity of Existing Policies, Rules, and Regulations.** – All  
43 existing policies, and rules and regulations of the FOI-PMO shall continue to remain  
44 in full force and effect unless subsequently revoked, modified or amended by the  
45 Commission.

1 All cases and appeals filed during the transition period shall continue to be  
2 acted upon by the incumbent until transition shall have been completed and the  
3 Commission's operations are in place. Thereafter, the Commission shall  
4 correspondingly assume jurisdiction over those cases and appeals.

5 **SEC. 43. Transfer of Functions, Assets, and Obligations.** – All transfer of  
6 functions, assets, funds, personnel equipment, properties, transactions, and  
7 personnel of the FOI-PMO, and the formulation and implementation of the internal  
8 organic structures, staffing patterns, operations systems, and revised budgets of the  
9 FOI-PMO, shall be completed within one hundred eighty (180) days from the  
10 effectivity of the Act, during which existing personnel shall continue to assume their  
11 posts in holdover capacities until new appointments are issued.

12 Accordingly, the following dispositive actions shall be implemented within 180  
13 days from the effectivity of the Act:

- 14 (a) The allocation of existing equipment, funds, and other assets of the FOI-PMO  
15 shall be transferred to the Commission;  
16 (b) The records and pertinent transactions of the FOI-PMO shall be transferred to  
17 the Commission; and  
18 (c) The Commission shall cause the creation of additional positions and augment  
19 their budget appropriations, as may be necessary, with the approval of the  
20 DBM.

21 The Commission shall be subrogated to all rights and assume all the liabilities  
22 of the FOI-PMO.

23 **SEC. 44. Absorption or Separation from Service of Employees of the**  
24 **Consolidated Agencies.** – The existing employees of the FOI-PMO shall enjoy  
25 security of tenure and may be absorbed subject to qualification standards, merit and  
26 fitness principles, and applicable civil service rules.

27 Employees opting to be separated from the service as a consequence of the  
28 consolidation and reconstitution under the provisions of the Act shall, within thirty (30)  
29 days from their separation or phase out from the service, receive separation benefits  
30 in accordance with existing laws. In addition, those who are qualified to retire shall be  
31 allowed to retire and be entitled to all benefits provided, under any of the existing  
32 retirement laws.

33 **SEC. 45. Transition Period.** – The transfer of functions, assets, funds,  
34 equipment, properties, transactions, and personnel of the FOI-PMO, and the  
35 formulation of the internal organic structure, staffing pattern, operating system of the  
36 Commission shall be completed within one hundred eighty (180) days from the  
37 effectivity of this Act, during which time, the existing personnel shall continue to  
38 assume their posts and hold their positions in a regular capacity: *Provided*, That after  
39 the abolition of the FOI-PMO, the Commission, in coordination with the DBM, shall  
40 determine and create new positions, the funding requirement of which may exceed the  
41 equivalent cost of positions abolished.

42 **SEC. 46. Responsible Exercise of Rights and Performance of Duties.** – In  
43 the exercise of rights and the performance of duties under this Act, public officials and  
44 employees, as well as citizens, shall act with justice, render to each person what is  
45 due, and observe honesty and good faith. No right granted, or duty imposed under this  
46 Act shall be exercised or performed in a manner that constitutes abuse.

1           **SEC. 47. *Implementing Rules and Regulations.*** – Within ninety (90) days  
2 after the effectivity of this Act, the Commission shall, in consultation with relevant  
3 government agencies and instrumentalities, and stakeholders, promulgate the rules  
4 and regulations to effectively implement the provisions of this Act.

5           The IRR shall specify the roles, responsibilities, and procedures applicable to  
6 both government agencies and instrumentalities, and private entities covered by this  
7 Act, without prejudice to their existing legal obligations.

8           **SEC. 48. *Appropriations.*** – The amount necessary for the initial  
9 implementation of this Act shall be charged against the current year’s appropriations  
10 of the departments and agencies concerned. Thereafter, the funding of which shall be  
11 included in the annual General Appropriations Act.

12           The LGUs concerned may provide the necessary funds for the purpose, in their  
13 respective annual budgets.

14           **SEC. 49. *Separability Clause.*** – If any section or part of this Act is held  
15 unconstitutional or invalid, the other sections or provisions not otherwise affected shall  
16 remain in full force and effect.

17           **SEC. 50. *Repealing Clause.*** – All laws, decrees, executive order, rules and  
18 regulations, issuances, or any part thereof inconsistent with the provisions of this Act  
19 are deemed repealed.

20           **SEC. 51. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
21 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,